

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY O. HELMER,

Plaintiff,

vs.

Civil Action No.
05-CV-71920

HON. BERNARD A. FRIEDMAN

CORRECTIONAL MEDICAL
SERVICES, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING ALL CLAIMS AGAINST ALL
DEFENDANTS**

This matter is presently before the Court on the following six motions:

- (1) Defendants Correctional Medical Services, Inc. and Celeste Frazer, P.A.'s Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1) and 12 (b)(6) [docket entry 29];
- (2) Defendants Cox, Burgess, and Watkins' Concurrence in Co-Defendants Correctional Medical Services, Inc. and Celeste Frazer, P.A.'s Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1) and 12 (b)(6) [docket entry 41];
- (3) Defendant Pramstaller's Rule 12(b)(6) Motion to Dismiss [docket entry 34];
- (4) Defendants Correctional Medical Services, Inc. and Celeste Frazer, P.A.'s Motion to Dismiss for Failure to Prosecute [docket entry 36];
- (5) Defendants Shevock, Watson, Hamman, Risner, McKessy, Peek, and Zavislak's Motion for Summary Judgment [docket entry 46]; and

- (6) Defendants Correctional Medical Services, Inc. and Celeste Frazer, P.A.'s Motion to Dismiss for Failure to Prosecute [docket entry 52]

On August 23, 2007, Magistrate Judge R. Steven Whalen issued a Report and Recommendation ("R&R"), in which he made the following recommendations:

- (1) Grant Defendants Correctional Medical Services, Inc. and Celeste Frazer, P.A.'s Motions to Dismiss for Failure to Prosecute [docket entries 36 and 52].
- (2) Dismiss all claims against all Defendants pursuant to FED. R. Civ. R. 41(b) for failure to prosecute.
- (3) Dismiss the remaining outstanding motions as moot.

The Court has had the opportunity to fully review this matter. The Court finds that Magistrate Judge Whalen correctly and thoroughly analyzed all of the issues presented, and that he reached the proper conclusions for the proper reasons. Therefore, the Court will accept and adopt the Magistrate Judge's R&R as the findings and conclusions of the Court.¹ Accordingly,

IT IS ORDERED that Magistrate Judge Whalen's R&R of August 23, 2007, is accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that Defendants Correctional Medical Services, Inc. and Celeste Frazer, P.A.'s Motions to Dismiss for Failure to Prosecute are granted [docket entries 36 and 52].

¹ The Court also notes that all mail sent by the Court to Plaintiff since February 2007 has been returned as undeliverable. This indicates both that Plaintiff has not kept the Court apprised of his whereabouts and that he is no longer interested in pursuing this matter.

IT IS FURTHER ORDERED that all claims against all Defendants herein are dismissed pursuant to FED. R. CIV. P. 41(b).

IT IS FURTHER ORDERED that the remaining outstanding motions are dismissed as moot [docket entries 29, 34, 41, and 46].

____s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: September 18, 2007
Detroit, Michigan

I hereby certify that a copy of the foregoing document
was served upon counsel of record by electronic and/or first-class mail.

s/Carol Mullins

Case Manager to Chief Judge Friedman